

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4117 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- SALIMPUR District- Patna

1. DHANESHI SAO @ DHANESH KUMAR Son of Late Satya Narayan Sao Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
2. Bineshwar Ram @ Bineshar Ram Son of Late Harnandan Ram Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
3. Lala Ram Son of Late Harnandan Ram Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
4. Jagdish Mahto @ Bhullu Mahto Son of Late Barhan Mahto @ Bahran Mahto Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
5. Gabbar Mahto Son of Late Barhan Mahto @ Bahran Mahto Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
6. Chhotan Mahto Son of Balgovind Mahto @ Balgavind Mahto Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
7. Sobhash Kumar @ Subhash Kumar Son of Chhotan Mahto Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
8. Sanajay Thakur @ Sanjay Thakur Son of Late Sidhi thakur Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
9. Bibik Kumar @ Vicky Kumar Son of Mithlesh Thakur Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
10. Chandu Kumar Son of Ajay Thakur Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
11. Pintu Kumar Son of Aklesh Thakur Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
12. Manish Kumar Son of Brahamdeo Thakur Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
13. Gautam Kumar Son of Brahamdeo Thakur Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
14. Bipin Kumar Son of Jagdish Mahto @ Bhullu Mahto Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
15. Manish Kumar Son of Karu Mahto Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
16. Dinesh Choudhary Son of Late Fakirchand Choudhary Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
17. Kamlesh Kumar Son of Ashok Sao Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
18. Raushan Kumar Son of Kailu Mahto Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.
19. Raju Kumar Son of Dharamvir Ram Resident of Village- Bahapur, P.S.- Salimpur, District- Patna.



... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 30-09-2019 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 29.08.2019 passed by learned Additional Sessions Judge-XIII-cum Special Judge SC/ST Act, Patna in connection with Special Case No.316 of 2019 registered under Sections 147, 148, 149, 341, 323, 354, 452, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants descending at the house of the informant swooped upon him and his family members and



assaulted them. Appellant no.1 abuses the people of Paswan community and extends threatening in inebriated condition.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics and animosity. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. As per FIR appellant no.1 slats the people of Paswan community in the name of caste but no complain etc. has been lodged in this regard on earlier occasion. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII-cum Special Judge



SC/ST Act, Patna in connection with Special Case No.316 of 2019, arising out of Salimpur P.S. Case No.135 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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